

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
SEVENTEENTH REGION**

DOLESE BROTHERS COMPANY

Employer

and

Case 17-AC-31

LOCAL 886, INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

Union

and

LOCAL 627, INTERNATIONAL UNION OF OPERATING  
ENGINEERS

Disclaiming Union

**DECISION AND AMENDMENT OF CERTIFICATION**

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, (Act) careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this proceeding, the Regional Director finds:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes and of the Act to assert jurisdiction herein.
2. On September 21, 1955, in Case 16-RC-1741<sup>1</sup>, Local 627, International Union of Operating Engineers and Local 886, International Brotherhood of Teamsters were jointly

---

<sup>1</sup> At the time of certification, cases filed within the Agency arising in Oklahoma were placed under the jurisdiction of Region 16. Subsequently, due to the realignment of regional jurisdiction, matters arising in the State of Oklahoma have been placed under the jurisdiction of Region 17.

certified as the exclusive collective bargaining representative of certain employees employed by Dolese Brothers Company (Employer). At all times since the September 21, 1955 Certification through October 9, 2009, Local 627, International Union of Operating Engineers and Local 886, International Brotherhood of Teamsters have continued to jointly represent all employees in the bargaining unit. Through collective bargaining, the parties have modified the original unit description. Article 2 (Recognition and Unit) of the current collective bargaining agreement, which is effective from October 5, 2009, through October 5, 2010, sets forth the unit as follows:

All production and maintenance employees, truck drivers, warehousemen, shop employees, including mixer drivers, warehousemen, warehouseman helper, batchman-leadman, batchman, crane operators, front end loader operator, batch plant helper A, batch plant helper B, batch plant mechanic (a), batch plant mechanic (b), and any additional classifications designated by the Company within the unit who are employed by and working for the Company at its ready mix concrete operations at Oklahoma City, Enid, Norman, Edmond, Moore and Midwest City, only, excluding all office and clerical employees, professional employees, guards, watchmen and supervisory employees as defined in the National Labor Relations Act, as amended (the term "supervisory employees" including all department managers and assistant managers, plant superintendents and assistant superintendents, garage or shop superintendents, operations superintendents and assistant superintendents, foreman and assistant foreman; the term "professional employees" including the chief engineer, all designing, production, construction, estimating and planning engineers and draftsmen, and all members of drilling crews used in testing and exploration operations under the direct supervision of the engineering department), and employees who are not regularly within the above described included unit, and all General Shop employees assigned to and working in and out of the 5600 West Reno facility.

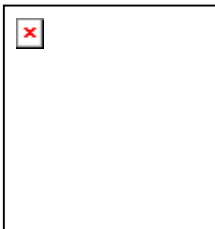
This is an appropriate unit for the purposes of collective bargaining.

3. On October 9, 2009, Local 627, International Union of Operating Engineers disclaimed interest in its continued representation of employees in the unit set forth above. No evidence has been presented that Local 627, International Union of Operating Engineers has acted inconsistently with its disclaimer. Local 886, International Brotherhood of

Teamsters (Petitioner) has, by the filing of the instant petition, reaffirmed its willingness to continue as the bargaining representative of the unit employees.

4. The Petitioner proposes to amend the certification as follows: Amend the certification in Case 16-RC-1741 to reflect that Local 886, International Brotherhood of Teamsters continues its status as the exclusive collective bargaining representative of the unit set forth in paragraph 2, above, and that Local 627 International Union of Operating Engineers no longer serves as collective bargaining representative of unit employees.
5. Accordingly, based on the facts set forth above, the Certification of Representative issued on September 21, 1955, in Case 16-RC-1741, is hereby amended to: (a) describe the unit as set forth in paragraph 2, above, and (b) remove Local 627, International Union of Operating Engineers as a joint exclusive collective bargaining representative of the unit, and certify Local 886, International Brotherhood of Teamsters, as the exclusive collective bargaining representative of the unit.

Dated: December 10, 2009



**/s/ Daniel L. Hubbel**

Daniel L. Hubbel, Regional Director  
National Labor Relations Board  
Seventeenth Region  
8600 Farley Street, Suite 100  
Overland Park, Kansas 66212-4677

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by **December 24, 2009**. The request may be filed electronically through E-Gov on the Agency's website, [www.nlr.gov](http://www.nlr.gov),<sup>[1]</sup> but may not be filed by facsimile.

---

---

<sup>[1]</sup> To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, [www.nlr.gov](http://www.nlr.gov).